* The hon. the PRESIDENT:—"I now put clauses 1 and 2 to the House."

Clauses 1 and 2 of the Bill were put and carried and were allowed to stand part of the Bill.

* The hon. the PRESIDENT:—"I now put the preamble to the vote of the House."

The preamble was put and carried and was allowed to stand part of the Bill.

4-15 p.m. * The hon. the PRESIDENT:—"I now put the schedule to the vote of the house."

The motion was carried and the schedule was allowed to form part of the Bill.

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Mr. President, Sir, I now move that the Bill be passed into law. The amendments proposed are of a very formal character and no amendment to the provisions of the Bill has been moved in the Council. I therefore move that the Bill be passed into law."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I second it."

The motion was put and carried and the Bill was passed into law.

XX.—A BILL FURTHER TO AMEND THE MADRAS CIVIL COURTS ACT, 1873 (BILL No. 9 OF 1930).

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"Sir, I introduce the Bill[a] further to amend the Madras Civil Courts Act, 1873."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:—"I second it."

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I move, Sir, that the Bill be taken into consideration at once. The object of the Bill is to enable the Government, when necessary, to appoint additional District Judges to District Courts on the recommendation of and with the consent of the High Court. The existing state of affairs is this. When there are heavy arrears in any District Court, under the provisions of the Madras Civil Courts Act the Government have the power of establishing additional District Courts. That means that all the paraphernalia necessary for a District Court, such as the appointment of a Sarishtadar, of the necessary clerks and of the process-serving establishment, would have to be provided for. This is a cumbersome process and it is also a costly process. Under a particular provision in the Criminal Procedure Code, when there are heavy criminal cases, criminal appeals or original sessions cases, in any Sessions Court, the

---

[a] Published in the *Fort St. George Gazette*, dated 28th October 1930 as Bill No. 9 of 1930.

18th November 1930] [Sir M. Krishnan Nayar]

Government have the power of appointing an additional Sessions Judge to that court. It is not necessary that, for the purpose of clearing of the arrears of criminal cases, the Government should establish an additional Sessions Court. The Government have the power of appointing an additional Sessions Judge to the existing Sessions Court. So also, by a recent amendment of this identical Act (Madras Civil Courts Act) the Government have been given the power, when there are heavy arrears in a Munsif's Court or a Sub-Court, of appointing an additional District Munsif or an additional Sub-Judge to that particular Munsif's Court or Sub-Court. Till recently, before the Act was amended by the Council, as in the case of District Courts, what the Government had to do, when there were heavy arrears in a Munsif's Court or a Sub-Court, was to establish an additional District Munsif's Court or an additional Sub-Court with, as I said, all the necessary paraphernalia relating to the appointment of the clerical and process-serving establishment. We find that there are arrears now in certain District Courts in the Presidency, which can be disposed of only by District Judges. For instance, as my lawyer friends in the Council know, appeals from the decisions of Sub-Courts, whose money value is between Rs. 3,000 and Rs. 5,000 can be disposed of only by a District Judge. There are also other miscellaneous cases which, under the existing law, can be disposed of only by District Courts. For the purpose of giving relief to District Judges of those courts in which there are heavy arrears and of enabling them to dispose of these arrears easily, power is sought to be taken by this amending Bill to enable the Government to appoint, where necessary, additional District Judges. Of course, the Government can do so under the provisions of this Bill only on the recommendation of the High Court.

"In the Civil Justice Committee's Report, there is a strong recommendation that this course should be adopted, namely, that wherever necessary, additional District Judges should be appointed. The question was referred to the High Court and they very strongly support it. They say that all the Judges are unanimously of the opinion that such a course should be adopted and that the Bill should be pushed through. This Bill was introduced in the last Council and as it was not a controversial one, I moved then that the Bill might be passed into law at once. But at the request of some of my hon. Friends in the Council, I readily consented to refer it to a Select Committee. It was referred to a very strong Select Committee of which my hon. Friend, Mr. Srinivasa Ayyangar, a distinguished lawyer, was the Chairman. The Select Committee met on more than one occasion, called for certain information from the High Court and came to the conclusion that the Bill should be passed. I may also submit, Sir, that the Select Committee, though it considered the Bill very carefully, did not make any alteration in the Bill as it was introduced by me in the Council. They did not think it necessary to change even a comma in the Bill as it was introduced, so that the Bill that was introduced then and amended by the Select Committee is the same Bill as is now being introduced by me. I refer

[Sir M. Krishnan Nayar] [18th November 1930

to this point only for the purpose of showing that it is not necessary to refer this Bill to a Select Committee. With these remarks, I move, Sir, that the Bill be taken into consideration at once."

* Mr. T. C. SRINIVASA AYYANGAR:—" Sir, I second the motion; I wish only to add that the Bill is overdue. This Bill is in pursuance of the recommendations of the Civil Justice Committee; their recommendations have been carried out earlier in the appointment of additional District Munsifs and additional Sub-Judges. This Bill should be pushed forward as, in the files of certain District Courts, there are certain appeals which can be heard only by District Judges. In the district from which I come, appeals 4 years and 5 years old are pending. It is not the case that the learned Judges are not giving due attention and time to these cases; but other more urgent items of works are occupying their time. Appeals under the Estates Land Act and appeals from the Subordinate Court whose pecuniary value is between Rs. 3,000 and Rs. 5,000 can be disposed of only by District Judges. I entirely agree with the hon. the Law Member that the Bill should be passed as early as possible, so that in the interests of the litigant public due steps may be taken for the purpose of augmenting the strength of the District Courts, where necessary."

The motion that the Bill be taken into consideration was put and carried.

Clauses 1, 2, 3, 4, 5 and 6 were put and carried, and allowed to stand part of the Bill.

The preamble was put and carried and allowed to stand part of the Bill.

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" Sir, I now move that the Bill be passed into law."

The hon. Khan Bahadur Sir MAHOMED USMAN SAHIB Bahadur:— " I second it."

The motion was put and carried and the Bill was passed into law.

XXI.—A BILL TO AMEND THE MADRAS SERVICES COMMISSION ACT, 1929 (BILL No. 10 OF 1930).

* The hon. Mr. A. Y. G. CAMPBELL:—" Mr. President, Sir, I beg to introduce the Bill [a] to amend the Madras Services Commission Act, 1929 (Bill No. 10 of 1930) and to move that the Bill be referred to a Select Committee consisting of the following Members:—

1. Diwan Bahadur Alladi Krishnaswami Ayyar.
2. Mr. R. Foulkes.
3. Khan Bahadur Mahmud Schamnad Sahib Bahadur.
4. Mr. Muhammad Meera Ravuttar.
5. The hon. Diwan Bahadur B. Muniswami Nayudu.
6. Rao Sahib V. I. Muniswami Pillai.

[a] Published in the *Fort St. George Gazette*, dated 4th November 1930 as Bill No. 10 of 1930.